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State: MINNESOTA

Citation

4.10 Free Choice of Providers

42 CFR 431.51  
AT-78-90  
46 FR 48524  
48 FR 23212  
§1902(a)(23) of the  
Act; P.L. 100-93  
(\$8(f)); P.L. 100-203  
(\$4113)

- (a) Except as provided in paragraph (b), the Medicaid agency assures that an individual eligible under the plan may obtain Medicaid services from any institution, agency, pharmacy, person, or organization that is qualified to perform the services, including an organization that provides these services or arranges for their availability on a prepayment basis.
- (b) Paragraph (a) does not apply to services furnished to an individual -
  - (1) Under an exception allowed under 42 CFR §431.54, subject to the limitations in paragraph (c), or
  - (2) Under a waiver approved under 42 CFR §431.55, subject to the limitations in paragraph (c), or
  - (3) By an individual or entity excluded from participation in accordance with §1902(p) of the Act, or
  - (4) By individuals or entities who have been convicted of a felony under Federal or State law and for which the State determines that the offense is inconsistent with the best interests of the individual eligible to obtain Medicaid services.
- (c) Enrollment of an individual eligible for medical assistance in a primary care case management system described in §1915(b)(1), a health maintenance organization, or a similar entity shall not restrict the choice of the qualified person from whom the individual may receive emergency services or services under §1905(a)(4)(C).

§1902(a)(23) of the  
Act; P.L. 105-33  
(\$4724(d)(2))

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